REMARKS

Claims 1-33 were previously pending in this application. By this amendment, Applicant is canceling claims 2, 4, 9 and 11-13 without prejudice or disclaimer. Claims 1, 10 and 33 have been amended. New claims 34-38 have been added. As a result claims 1, 3, 5-8, 10 and 14-38 are pending for examination with claims 1, 10, 33 and 38 being independent claims. No new matter has been added.

Rejection under 35 U.S.C. §112

Enablement. The Office Action rejected claims 8 and 16-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action, the specification does not provide guidance to enable one of skill in the art to assign a "confidence factor" to a task. The Office Action also states that, for this reason, the claims are indefinite. The rejection is respectfully traversed.

A confidence factor is simply a measure of confidence that an activity (e.g., corresponding to a template having an associated confidence factor) can be successfully completed. (See, for example, page 13, ll. 16-20 ("That confidence level can be adjusted as the activity is being completed. For example, the initial confidence level may only be 6 out of 10. As progress develops, however, the activity owner may raise the rating of confidence that the activity will result in successful completion." page 33, line 19, Table 4 (success criteria and current confidence factor), Table 5, etc.) Indeed, the examples include not just numerical examples of confidence factors (e.g., a confidence factor of 3/10) but also the reasoning about how this confidence factor is assigned.

Thus, there is no magic to the evaluation of a confidence factor for discreet project activities, and no mystery as to how this can be done. Applicant respectfully submits that any person of skill in process management would be capable of assigning a confidence factor for particular tasks/templates at any particular point in time. Numerical precision is not required; indeed, the examples provided in the specification are generally simple estimates about confidence such as a low confidence due to uncertainty of the data (e.g., "3/10 - At this time, author feels the data is preliminary, and the main market size analyst report is dated. Usage cases and competitive landscape feedback will confirm the analysis here.") to relatively high

confidence (but not 10/10) because some uncertainty remains (e.g., "8/10 – filings complete; risk factors relate to ability to negotiate with vendors.")

Applicant also submits that a person of ordinary skill in the art could readily compute aggregated confidence factors (e.g., when an activity depends on successful completion of a number of other tasks) based on known and basic mathematical models, such as simple probability theories. This is, of course, not intended to be limiting as a person of skill in the art may devise other ways to aggregate confidence factors. Doing so is, however, merely the exercise of routine design skill based on the disclosure provided in the application and, therefore, fully enabled by the present application.

There is no more precise description of assigning of confidence factors in the specification because none is required and, of course, assigning a confidence factor depends entirely on context as the many examples in the specification demonstrate. Anyone in project management has to be capable of formulating confidence factors for specific tasks at specific points in time, based on the disclosure provided in the application, or they simply do not belong in project management.

Applicant respectfully requests that the enablement rejection of claims 8 and 16-18, based on the term "confidence factor," be withdrawn.

Definiteness. Claims 2 and 11-13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that claim 2 is indefinite because claim 1 recites providing a set of default templates while claim 2 states that this is done by selecting from among a plurality of possible default templates. While the Applicant does not agree with this rejection and preserves all rights with respect to these claims, these claims have been cancelled, to reduce the total number of claims and not because the claims were felt to be indefinite.

Accordingly, this rejection is now moot.

Rejections Under 35 U.S.C. §102

Claims 1, 3-5, 9, 10, 15, 19, 20, 28, 29, 30 and 33 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,381,610 to Gundewar et al. (hereinafter Gundewar).

Claim 1 has been amended to recite that priorities for the project are input and periodically evaluated during the project. Thus, as just one example, a project may prioritize a completion date before Thanksgiving, a production cost below $100 per unit, and a speed of 10MHz. As the project progresses, the viability of meeting these priorities may be tested. One example of a priorities processing is described with reference to FIG. 8.

Applicant respectfully submits that this is not found in the prior art of record. In the prior art, completion of individual tasks are monitored and they are either completed or they are not. There is not an automatic evaluation of project priorities against the updated status of performance of the project.

Claims 3, 5-8 and 34-36 depend from Claim 1 and are believed to be allowable for at least these reasons. With respect to new claims 36 and 37, Applicant respectfully traverses the assertion in the Office Action (with respect to an obviousness rejection of claims 25 – 27) that alerts in response to success factors are known in the art and disclosed in Ahamparam. Ahamparam discloses evaluating "front-end critical success factors" (par. 41) which are customizable and done "for a particular project." Ahamparam does not teach or suggest success factors associated with tasks in a project nor suggests automatic assessment of them.

Independent claim 10 has been amended to recite that a set of default templates (for example that may be used to perform a future project) is automatically adjusted based on data gathered in the earlier performance of a project. Gundewar does not disclose this and, therefore, the section 102 rejection has been obviated.

The Office Action does state (in connection with an obviousness rejection of claim 12) that this is disclosed in the Lowery reference. Applicant respectfully disagrees.

The Lowery reference shows saving of a completed project to save historical data for the project. This does not mean that the default *templates* are modified based on that data. While the data may be saved, the underlying template itself remains unchanged. For example, if a project task had an estimated time to completion of 6 to 9 months and the actual time required was 3 months, the *template* is not updated to show a range any different than the original 6 to 9

months. The fact that only 3 months was actually required may be "valuable historical data" that is being "captured" by saving the project plan, but the template itself does not appear to be changed and, significantly, the template is not automatically altered in response to project information recorded in the templates during the projects.

Claims 14-16, 20-21, 25 and 28-32 depend from claim 10 and are believed to be allowable for at least these reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 33 has been amended to recite a priorities module, a feasibility module and a maintenance module. Applicant submits that this cannot be found in the prior art and this claim is in condition for allowance.

New claim 38

New claim 38 recites use of independently verifiable proof points. The prior art relies on user input, including specification that a task is done. As a practical matter, this can mean that a task is identified as having been completed before it truly is. Applicant respectfully submits claim 38 is in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. P0659-700010.

Respectfully submitted,

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Date: July 10, 2008